

Amendments to the Drawings:

The attached drawings sheets include changes to Figs. 1, 2, and 5. These sheets replace the original sheets including Fig. 1, 2 and 5.

Attachment: Replacement Sheet for each of Figs. 1, 2, and 5.

Annotated Sheets Showing Drawing Changes

Remarks

Amended drawings are herewith submitted to show rods in the applicant's tool tray in the specific locations set forth in the original claims to answer objections to the drawings. Therefore, no new matter has been added with these amendments to the drawings.

Amendments to the Abstract are herewith submitted to answer objections to the original abstract and amendments have been made to answer objections to the specification. No new matter has been added with these amendments.

Claims 7-24 were rejected as failing to comply with the written description requirement for failing to show rods adjacent opposite ends of the tool area of the tool tray. The foregoing amendments to the specification are intended to overcome these claim rejections.

Claims 1-4 were rejected as anticipated by Chen. Claim 1 and its dependents have been amended to now describe a tool tray including a plurality of interconnected walls defining an outer margin of the tray and an entirely continuous surface between the walls. The tool tray also includes at least one pair of rigid rods connected to the pad reducing the flexibility of said pad along axes transverse the rods.

Chen discloses a the roll-up tabletop assembly 2 adapted to be supported on a leg assembly 3 so as to form a horizontal top surface 20 on the leg assembly 3. The tabletop assembly 2 includes a plurality of parallel slats 21 disposed side by side. Every adjacent pair of the slats 21 is coupled pivotally by at least two coupling units 4 extending between the slats 21 at spaced apart intervals along the sides of the slats 21. These coupling units 4 extend transversely from the slats 21 to connect them in a fashion that leaves gaps or spaces in the horizontal top surface 20 of the assembly 2 between adjacent slats 21. Figs. 4-6 of Chen.

Chen does not appear to teach or suggest the applicant's amended claims because the horizontal surface Chen discloses includes neither a plurality of horizontal walls defining an outer margin nor an entirely continuous surface between any such walls. Furthermore, Chen does not teach or suggest a pair of rigid rods connected to its top surface. Therefore, claim 1 now appears to be patentable over the prior art.

Claims 7, 10, 14, 15, 16, and 21 were rejected as obvious over Chen. The Patent Office asserted that applicant's previously claimed features would have been obvious and well within

the ordinary skill in the art. However, a *prima facie* case of obviousness based on a single prior art reference must include evidence showing a suggestion or motivation to modify the reference to produce the allegedly obvious invention. *In re Kotzab*, 217 F3d 1365, 55 USPQ2d 1313 (Fed Cir. 2000) (“Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. See *B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996).”) No such evidence of obviousness arises from Chen. Nevertheless, Claim 7 has been amended to now describe a tool tray a tool tray including a pair of interior walls at least partially defining a tool area and a pair of rigid rods proximate the interior walls. Chen does not appear to teach or suggest such a construction. In fact, it appears that one of ordinary skill would be hard pressed to figure out how to modify Chen’s slat bed to produce the claimed inventions from studying Chen’s disclosure.

Claims 5, 6, 11, 12, 13, 17, 18, 22, 23, and 24 were rejected as obvious over Chen in view of Matay et al., which discloses an accessory tray 10 including an item holding area 36 that is contained within an inside flat top surface. An attachment assembly 14 is rotatably attached to the support tray 12 with locking means 18 defined as a swivel joint assembly 16 allowing the tray 12 to be positioned in a horizontal plane relative to the clamping attachment assembly 14 when the clamping attachment assembly 14 is affixed to a rigid object.

The clamping attachment assembly 14 includes a swivel joint assembly 16 that permits a user to position the tray 12 at a useable selected angle regardless of its attaching angle. This permits tools 22 and other items to be supported in a flat position. The tubular section 70 is connected to the tray 12 and receives an insert rod portion 80 that extends from the clamping attachment assembly. Column 4 of Matay et al.

Since considerable structural strength is mandated, Matay et al.’s tray 10 may be fabricated integrally of an injection molded thermoplastic or produced of formed metal sheet using thermoplastic or metal stabilizer bars 24 including the tubular section 70, with either method of construction permitting the mechanic accessory tray 10 to be produced in a cost effective manner.

Thus, Matay et al. teaches a rigid construction, and does not suggest a flexible pad with rigid rods therein to limit the flexibility of the pad. Therefore, it does not appear that one of

ordinary skill would have reason to modify or combine Matay et al. to produce the applicant's claimed inventions.

Claims 8, and 19 were rejected as obvious over Chen and Matay et al. further in view of Chamberlain et al., which discloses an apparatus for mounting a clay target throwing device to the back of a truck. The Patent Office asserted that it would have been obvious to combine the ribbed mat of Chamberlain et al. since such structure is allegedly used for the same purpose. It is well settled that a *prima facie* case of obviousness based on a combination of references, however, must include a teaching, suggestion, or motivation to combine the references. The Patent Office has pointed to no reason one of ordinary skill would combine Chen and Matay et al. with the disclosure of Chamberlain et al. to produce the applicant's claimed inventions. The point appears to be moot, however, since the independent claims from which claims 8 and 19 depend appear to now be in condition for allowance.

Claims 9 and 20 were rejected as obvious over Chen further in view of Morset, which discloses a tuck pointer's hawk having a roughened top surface to assist in adherence of the hawk to plaster or other building materials. The Patent Office asserts that one of ordinary skill would have modified Chen to include this roughened surface of Morset since such structure is allegedly used for the same purpose. A *prima facie* case of obviousness based on a combination of references, however, must include a teaching, suggestion, or motivation to combine the references. The Patent Office has pointed to no reason one of ordinary skill would combine Chen with the disclosure of Chamberlain et al. to produce the applicant's claimed inventions. This point appears to be moot as well, though, since the independent claims from which claims 9 and 20 depend appear to now be in condition for allowance.

Thus it is submitted that, by this amendment, the case is now in condition for allowance and such action is respectfully requested. However, if any minor issue remains unresolved, a telephone call to the undersigned to expedite allowance and issue is welcomed.

Respectfully submitted,



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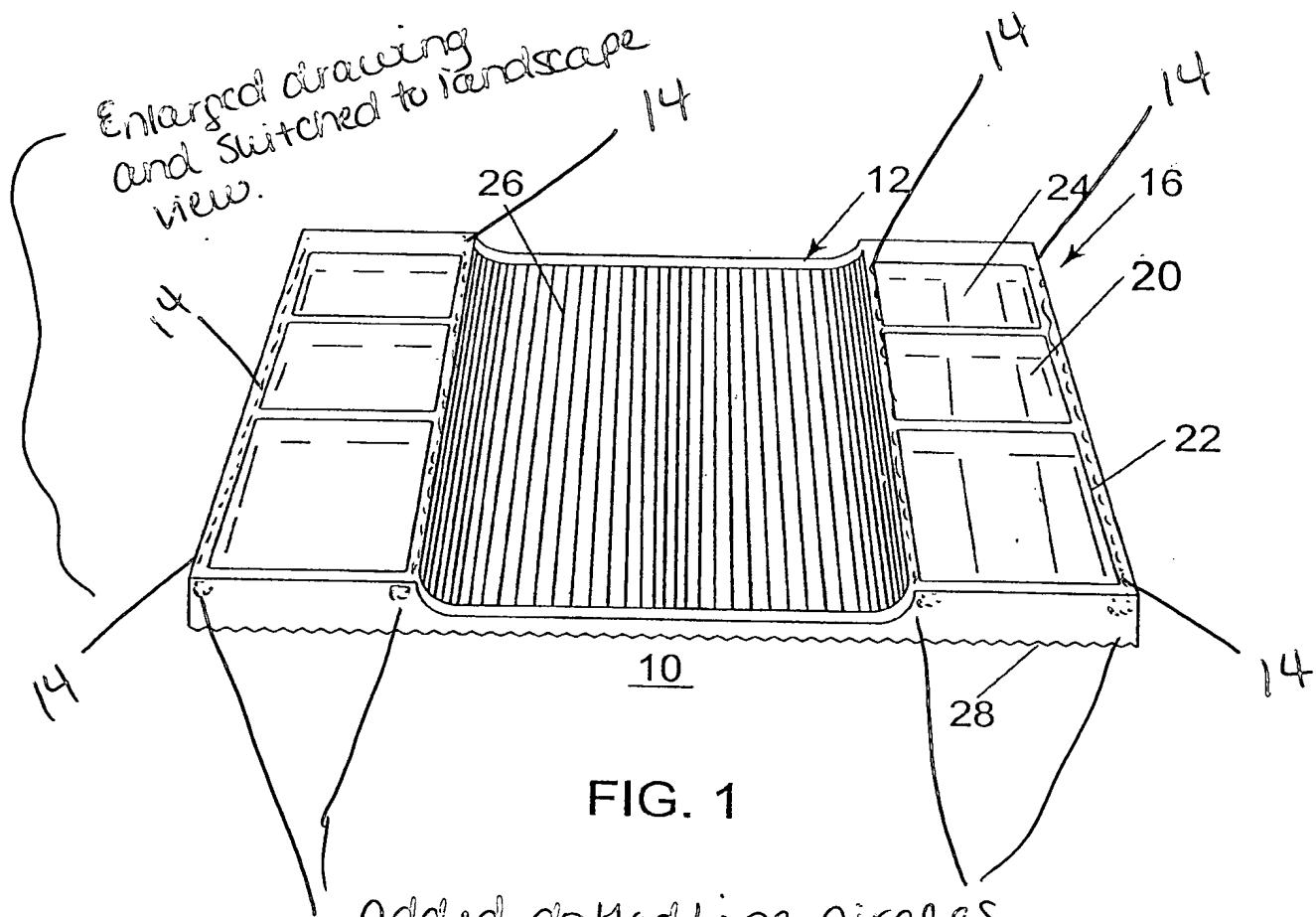


FIG. 1
added dotted line circles
and dotted line hidden
view rods.

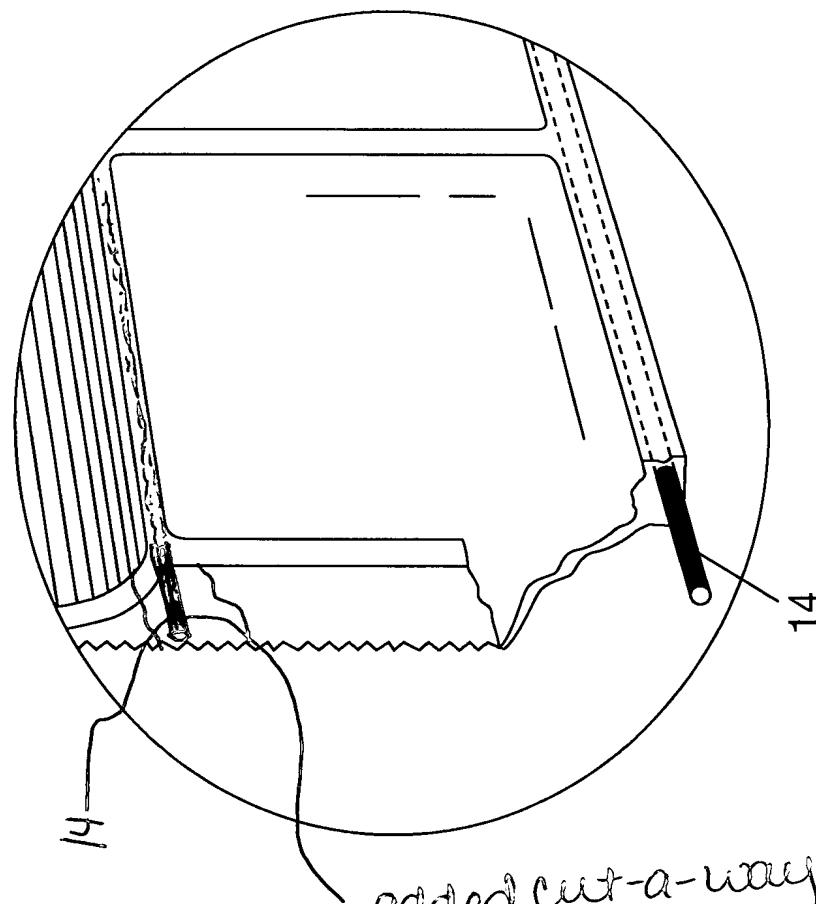


FIG. 2

added cut-a-way view
to show rod # 14.

